

REMARKS

Claims 11 and 22-23 have been amended. New claim 25 has been added. Claims 12-25 are pending and under consideration.

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Applicants have timely filed a Request for Continued Examination (RCE) along with this Amendment, including the filing fee as set forth in 37 CFR 1.17(e). Accordingly, Applicants respectfully request that the Examiner withdraw the finality of any Office action and enter this Amendment for consideration under 37 CFR 1.114.

Claim Rejections Under 35 USC §103

The Examiner rejected claims 12 and 22 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0202303, issued to Costa-Requena (hereinafter referred to as "Costa-Requena") in view of U.S. Patent No. 7,536,705 to Boucher et al. (hereinafter referred to as "Boucher").

In view of the foregoing amendments, Applicants respectfully traverse the Examiner's rejections of these claims.

The method disclosed in Costa-Requena et al is provided for use by a caller terminal in setting up a conference call for a voice call or messaging session to a caller terminal. The communication network includes a conference server functioning as signaling node for the conference call. Contrary to Costa-Requena, the method of claim 12, for example, is related to a method for establishment of a communication link from a first telecommunication device to a second telecommunication device, wherein a conference server is not necessary functioning as signaling node for the call.

The method disclosed in Costa-Requena provides that the data object is not stored in a conference server, but instead in a data provision component (for example, a picture server). A data provision component is only provided to store the data object and it is not a conference server functioning as a signaling node for a call. Therefore, the reference information of Costa-Requena refers not to a conference server storing information about the participants of a conference, but to a data provision component storing different data objects for different subscribers (for example, sound, picture or other information). Thus, the second telecommunication device does not signal a conference server, but instead the data provision

component for requesting the stored data object. Furthermore, in Costa-Requena, the requested data object is not transmitted from a conference server, but from the data provision component to the second telecommunication device.

Furthermore, in Costa-Requena, the group document is not an arbitrary data object, but a group document which is related to the conference. The group document contains information that is the basis for determining that an INVITE communication is to be provided to the callee (see [0008]). Also, the conference server may be prompted to send an INVITE communication to the callee and to other possible participants included in the group document based on receiving an INVITE communication from the caller (see [0008]). Contrary to Costa-Requena, in the method of claim 12, for example, the information in the data object is not related to conference information containing the participant of the conference, but may be a sound, picture or other information and the data object is not used for setup connections to the participant of the conference. Further, the claimed data objects are not used to inform a participant of a conference about the other participant of the conference and the time table of the conference. This means that the claimed data objects are completely independent of any controlling of functions of the communication network (conference) or information about the controlled function to the called communication device. Because the group document is related to a function of the communication network (conference) and the called terminal is informed about this function by transmission of group document, it is not useful to play the group document at the second telecommunication device or the called terminal.

Costa-Requena teaches a skilled person the controlling of setup of conference connections by transmission of group documents to the conference server and the called terminal and, therefore, a skilled person is not motivated to incorporate the disclosure of Costa-Requena for thinking about the inventive method of transfer data object completely independent of any functions of the communication network from a first to a second telecommunication device via a communication network without intercommunication with a conference server.

The Examiner takes the position that Costa-Requena discloses a first and second network signaling protocol as recited in the claims. This is submitted to be incorrect because the second network signaling protocol of Costa-Requena is the http-protocol between the conference server and the group server, whereas the second network signaling protocol according to the claimed invention is the protocol between the gateway of the telecommunication network and the second telecommunication device.

Boucher fails to make up for the deficiencies in Costa-Requena discussed above.

Boucher discloses a method for interactive distribution of selective presentations. The system provides simultaneously transmission of plurality of independent data stream within an assigned bandwidth of local, metropolitan and wide area distribution media. The teaching in Boucher is clearly directed to a transmission of a data stream over established or fixed connections, and the displaying and playing of the data streams on a screen of the client is only disclosed in connection with transmission of data streams over established or fixed connections in a network.

Accordingly, withdrawal of the § 103(a) rejection of claims 12 and 22-23 is respectfully requested.

Claims 13-21 and 24 depend from claims 12 and 23 and include all of the features of these claims plus additional features not disclosed in the cited prior art, including Donnelly and Ahmavaara. Therefore, it is respectfully submitted that claims 13-21 and 24 also patentably distinguish over the cited prior art.

New Claim

New claim 25 has been added. Claim 25 recites:

sending, by the first telecommunication device, a connection establishment message to the telecommunication network in order to establish the communication link, the connection establishment message comprising a reference to a data object, which is allocated to the user of the first telecommunication device and stored on a data provision component of the telecommunication network;

receiving the request by the telecommunication network and requesting, by the telecommunication network, the data object from the data provision component using the reference;

transmitting, by the telecommunication network, the data object within a call signaling message to the second telecommunication device; and

playing the data object at the second telecommunication device.

These features of claim 25 are not disclosed in any combination of the cited prior art. Therefore, it is respectfully submitted that claim 25 is allowable.

Summary

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

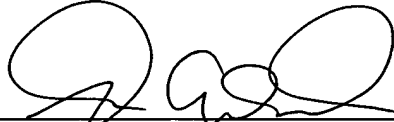
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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